

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

Tracy D. Halsell,

Plaintiff,

v.

Case No. 1:23cv202

Judge Michael R. Barrett

T-Mobile Customer Relations,

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on April 24, 2023. (Doc. 4). Proper notice was given to Plaintiff (who proceeds pro se) under 28 U.S.C. 636(b)(1)(C) and Fed. R. Civ. P. 72(b), including notice that he may forfeit rights on appeal if he failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); see *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019). No objections to the R&R (Doc. 4) were filed and the time to do so has passed.

As the Magistrate Judge explains, this civil action is one of three that Plaintiff initiated on April 12, 2023.¹ (Doc. 4 PAGEID 23–24). In all three cases, Plaintiff asked to file *in forma pauperis*, or without payment of the \$402.00 filing fee. (Id. PAGEID 24). In this case, the Complaint identifies T-Mobile Customer Relations as the sole Defendant. (Doc. 3 PAGEID 16). Plaintiff’s handwritten “Statement of Claim” (on the standard form used by pro se litigants) reads, in relevant part:

¹ The other two cases are captioned *Prince Terrell Darron Jordan v. Former President Bill Clinton, et al.*, No. 1:23-cv-201-JPH-KLL and *Tracy D. Halsell v. Michael Jordan*, No. 1:23-cv-203-MRB-SKB. The records of this Court reflect that the same Plaintiff goes by the name of Tracy D. Halsell but is also known as (and sometimes files under the name of) Terrell D. Jordan.

I was a T mobile customer for three years I was continually harassed and discriminated against continually treated like a joke or mistreated at times I was refused service however I experienced so much harassment it was over whelming[.]

(Id. PAGEID 17). Plaintiff seeks \$1.5 million in damages. (Id. PAGEID 18).

The Magistrate Judge recommends that Plaintiff's Complaint be dismissed with prejudice (under 28 U.S.C. § 1915(e)(2)(B)) because it fails to state a claim on which relief may be granted. (Doc. 4 PAGEID 25 ("Plaintiff's assertions are illogical. The [C]omplaint contains insufficient factual detail from which this Court can discern any conceivable claim against the named Defendant.")). The Magistrate Judge further recommends that the undersigned impose sanctions, noting that "Plaintiff has initiated more than six prior cases *in forma pauperis* as to which dismissal with prejudice has been recommended for failure to state a claim under 28 U.S.C. § 1915(e)(2), and previously has been warned² about his vexatious conduct[.]" (Doc. 4 PAGEID 27).

The Magistrate Judge issued her R&R in this civil action without the benefit of knowing that the Court sanctioned Plaintiff (the very same day) in a different civil action. *See Terrell Darron Jordan a/k/a Tracy Halsell v. Jada Pinkett-Smith*, No. 1:23-cv-137-MRB-KLL, Order (Doc. 8) ("Plaintiff Terrell Darron Jordan a/k/a Tracy Halsell is declared a vexatious litigator and, as such, is **ENJOINED and PROHIBITED** from filing any additional complaints in the Southern District of Ohio that have not first been certified as non-frivolous by an attorney in good standing in this Court or the jurisdiction in which he or she is admitted. This declaration, however, does not prohibit Terrell Darron Jordan

² *Tracy Halsell v. Cincinnati Police Dep't, et al.*, No 1:23-cv-24-SJD-SKB, Order Adopting Report & Recommendation (Doc. 5) ("Plaintiff's suit is **DISMISSED WITH PREJUDICE**, and Plaintiff is **WARNED** that filing additional frivolous lawsuits in this District Court may result in sanctions or a determination that Plaintiff is a vexatious litigator.") (S.D. Ohio Feb. 13, 2023).

a/k/a Tracy Halsell from filing additional complaints **THAT ARE ACCOMPANIED BY PAYMENT OF THE FULL FILING FEE.**") (S.D. Ohio Apr. 24, 2023). Her recommendation that the Court impose sanctions, then, already has been accepted and adopted. As to what remains, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's April 24, 2023 R&R (Doc. 4) such that:

1. Plaintiff's Complaint (Doc. 3) is **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B);
 2. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith (for the reasons set forth by the Magistrate Judge in the R&R) and thus **DENIES** Plaintiff leave to appeal *in forma pauperis*;³ and
 3. This case is **CLOSED** and **TERMINATED** from the active docket of this Court.
- IT IS SO ORDERED.**

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court

³ As a non-prisoner, however, Plaintiff remains free to apply to proceed *in forma pauperis* in the Sixth Circuit Court of Appeals. See *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), *overruling in part Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).